

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE: : **Case No. 19-bk-10765**
:
: **Chapter 13**
CHRISTINE B. PARRY : **Judge Hopkins**
:
: **MOTION OF BRANCH**
: **BANKING & TRUST COMPANY**
: **FOR ORDER GRANTING**
Debtor. : **RELIEF FROM STAY**
: **AND CO-DEBTOR STAY**
:
: **WITH NOTICE OF MOTION**

Pursuant to 11 U.S.C. §362, Federal Rules of Bankruptcy Procedure 4001 and 1301 and Local Rule 4001-1, Branch Banking and Trust Company (“Movant”) hereby moves that this Court’s automatic stay be modified, annulled, and terminated to permit the Movant to complete a state court collection action relating to pre-petition and post-petition amounts due and for such other relief as the Court may determine to be just. The following Memorandum supports this Motion.

Respectfully submitted,

/s/ Paul T. Saba
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Christopher R. Jones (Ohio Reg. No. 0092351)
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MEMORANDUM IN SUPPORT

In support of this Motion, Movant hereby submits as follows:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. §§ 157 and 362, FRBP 4001(a) and Local Rule 4001-1 and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the laws of the United States of America.
2. The Debtor Christine B. Parry filed her voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 8, 2019.
3. Movant Branch Banking and Trust Company (“BB&T”) is the successor in interest to The Bank of Kentucky, Inc. (“BOK”), upon merger between BOK and BB&T effective as of June 19, 2015, with BB&T being the surviving entity.
4. Prior to the filing of the Petition by Debtor and the Order for Relief on March 8, 2019, BOK obtained a monetary judgment against Debtor Christine B. Parry and Co-Debtor Beau R. Parry, jointly and severally, in the amount of One Hundred Forty Eight Thousand One Hundred Ninety-Two and 83/100 Dollars (\$148,192.83), plus continuing interest at a rate of \$8.9975 per diem from April 30, 2015, together with court costs in Hamilton County Court of Common Pleas Case No. A1407270 (“Judgment”). A true and accurate copy of the Judgment is attached hereto and incorporated by reference as **Exhibit A**.
5. Movant BB&T, as successor in interest to BOK, is the holder of the Judgement obtained by BOK.
6. As is evidenced by the Judgment attached as Exhibit A, the Movant is owed the sum of One Hundred Forty-Eight Thousand One Hundred Ninety-Two and 83/100 Dollars (\$148,192.83), plus continuing interest at a rate of \$8.9975 per diem from April 30, 2015, together with court

costs, until paid in full, for which Debtor Christine B. Parry and Co-Debtor Beau R. Parry are jointly and severally liable.

7. This Motion and the relief sought herein by Movant relates to the entire amount due from Debtor Christine B. Parry and Co-Debtor Beau R. Parry to Movant pursuant to the Judgment.

8. The Movant hereby seeks relief from stay so as to resume collection proceedings against Debtor Christine B. Parry and Co-Debtor Beau R. Parry.

9. The Movant is entitled to relief from the automatic stay under 11 U.S.C. § 362.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of § 362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

Respectfully submitted,

/s/ Paul T. Saba

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NOTICE OF MOTION FOR RELIEF FROM STAY

Please take NOTICE that the attached Motion for Relief from Stay will be filed with the Bankruptcy Court. The undersigned will present to the Court a proposed order granting the relief sought unless, within twenty-one (21) days after the service date set forth on the attached certificate of service, a written memorandum in opposition along with a request for a hearing is filed with the Court and served on the undersigned. Failure to file a response and accompanying memorandum on a timely basis may be cause for the Court to grant the Motion as filed without further notice. Furthermore, notice is given that, if the attached request seeks relief from the stay or acts against property of the estate, such stay will terminate with respect to the requesting party unless, within thirty (30) days of the filing of the attached request, the Court orders the stay continued in effect pending, or as a result of, a final hearing pursuant to 11 U.S.C. Section 362(e).

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2019, a true and accurate copy of the foregoing was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

Nicolas A. Zingarelli, Esq.

Office of U.S. Trustee

Eric W. Goering, Chapter 7 Trustee

And on the following by **ordinary U.S. Mail** addressed to:

Christine B. Parry
5110 Herringbone Drive #225
Cincinnati, Ohio 45227

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Cincinnati, Ohio 45202

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36 East Seventh Street, Suite 2030
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/s/ Paul T. Saba
Paul T. Saba (Ohio Reg. No. 0067623)